IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1488 (S/S) of 2005

Prabhat Kumar Tripathi,
aged about 55 years,
son of late Sri Arti Kumar Tripathi,
resident of D-56, Nehru Colony,
Dehradun. …….Petitioner.

V e r s u s.

1. Uttaranchal Pey Jal through its Managing Director, Dehradun, Uttaranchal.
2. The Managing Director, Uttaranchal Sansadhan Vikas and Niramn Nigam, Dehradun, Uttaranchal.
3. U.P. Jal Nigam through its Managing Director, 6, Rana Pratap Marg, Lucknow.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Chauhan, learned counsel for the petitioner, Sri D.S. Patni, learned counsel for respondents no. 1 and 2 and Sri Sudhir Singh, learned counsel for respondent no. 3.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondents to treat the petitioner under Hill Sub Cadre of Uttaranchal Pey Jal Nigam and include his name in appropriate place in the seniority list prepared by the Uttaranchal Pey Jal Nigam for Hill Sub Cadre.

The submission of the petitioner is that petitioner has opted for Hill Sub Cadre on 10.01.1996 and again in 25.02.1999, however, the name of the petitioner does not find place in the list prepared by the Uttaranchal Pey Jal Nigam for Hill Sub Cadre.

Learned counsel for the respondent nos. 1 and 2 has submitted that the records pertaining to the petitioner were not available with the respondents (Department) and the same has already been called from respondent no. 3 and due to non-availability of records the name of the petitioner was not included in the list. Learned counsel for the respondent no. 3 has submitted that

most of the records have been supplied to respondents no. 1 & 2 and in case, records pertaining to the petitioner has not been supplied, the same shall be supplied at the earliest.

Learned counsel for the petitioner has further submitted that petitioner is a permanent resident of State of Uttaranchal and he rendered his entire services in the State of Uttaranchal. Similarly situated persons have filed writ petitions before this court and this court has passed an order that till the decision is taken by the respondents on the options submitted by those similarly situated (the then petitioners), they shall not be relieved for State of U.P.

Petitioner, who has rendered his entire in the State of Uttaranchal, is also entitled to get the same relief. In case, the petitioner has not already been relieved, he shall not be relieved for State of U.P, till the decision is taken by the respondents on the option submitted by him and in case, petitioner has already been relieved, the respondents, considering the fact that the case of the petitioner is similar to those persons, who have not been relieved for State of U.P. in view of the fact that they have opted for Hill Sub Cadre and they were permanent resident of State of Uttaranchal. Respondents may keep the relieving order of the petitioner in abeyance, if any, till the final decision it taken on the option submitted by the petitioner. Respondents may take decision on the option submitted by the petitioner in view of the observation made by this court in judgment and order dated 05.10.2001 passed in Writ Petition No. 860 (SB) of 2001 (Sukh Dev Mehta Vs. State of Uttaranchal)

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

October 6, 2005
SKSharma